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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,541	11/15/2001	Nga Marie Nguyen	50R4820	3048

36738 7590 02/09/2007  
ROGITZ & ASSOCIATES  
750 B STREET  
SUITE 3120  
SAN DIEGO, CA 92101

EXAMINER
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YIMAM, HARUN M

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 09/991,541	<b>Applicant(s)</b> NGUYEN, NGA MARIE	
	<b>Examiner</b> Harun M. Yimam	<b>Art Unit</b> 2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-24 have been considered but are not persuasive.

2. In response to applicant's argument (page 2, 2<sup>nd</sup> paragraph) that Davis fails to disclose changing non-TV station channel numbers or sending signals indicative of the changes to the channel metaphor device of the TV, applicant should note that it is Wugofski who teaches channel number being associated with non-television station signal (312 in figure 3, page 11, lines 12-15 and page 13, lines 8-11). Davis was simply brought in to teach changes in channel numbers thereby indicating the dynamic assignment of channel numbers by the television signal provider (column 3, lines 42-48 and column 5, lines 19-31) for the cited benefit of enabling the service providers to change the channel lineup to reconcile any missing or conflicting information in the database (Davis—column 5, lines 27-29).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-10, 12-16, 19, 20 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wugofski (WO 99/35843) in view of Davis (US 5,576,755).

Considering claims 1, 9, and 19, Wugofski discloses a system and a corresponding method for presenting television station content and non-television station content on a TV (see figure 6), comprising:

a TV (PC/TV system—page 5, lines 12-15); and a channel metaphor device coupled to the TV (DBS receiver—page 6, lines 13-16), the channel metaphor device receiving signals from a television signal provider (broadcast sources—page 10, lines 10-13), wherein

at least some of the signals originate at television stations and are associated with respective channel numbers (broadcast sources—page 10, lines 10-13 and see figure 6), and

the channel metaphor device also receiving at least one non-television station signal (web page—see figure 6 i.e., WWW NBC) having an associated channel number (see 312 in figure 3 and page 11, lines 12-15).

Wugofski further discloses channel numbers (02, 04 and 07 in figure 6) being associated with the television stations (PBS, FOX and NBC respectively – figure 6) and said channel number being associated with non-television station signal (312 in figure 3, page 11, lines 12-15 and page 13, lines 8-11).

Wugofski fails to explicitly disclose said (i) channel numbers being dynamically established by the television signal provider. Wugofski also fails to explicitly disclose (ii) indication of changes in said channel numbers, as claimed.

In analogous art, Davis discloses (i) changes in channel numbers thereby indicating (ii) dynamic assignment of channel numbers by the television signal provider (column 3, lines 42-48 and column 5, lines 19-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wugofski's system to include changes in channel numbers, as taught by Davis, for the benefit of enabling the service providers to change the channel lineup to reconcile any missing or conflicting information in the database (Davis—column 5, lines 27-29).

As for claims 2, 10 and 20, Wugofski and Davis disclose that the non-television station signal is a Web page from the Internet (Wugofski—page 15, lines 18-21).

Regarding claims 4, 12 and 22, Wugofski and Davis disclose that the channel associated with the non-television station signal is associated with at least one rating (Wugofski—PG 13—318 in figure 3 and page 11, lines 3-15).

Considering claims 5, 13 and 23, Wugofski and Davis disclose that the non-television station signal is selectively displayed on the TV based on the rating (when a user selects to display their favorite channel, they are listed based on their rating—Wugofski—page 11, lines 3-15).

As for claims 6, 14, Wugofski and Davis disclose that a user of the system can prevent display of a channel associated with the non-television station signal based on the rating (the parental lock feature, 318 in figure 3, prevents a user from accessing non-television content that is not met by their stored graphical and behavioral attributes— Wugofski—page 11, lines 3-15).

With regards to claims 7, 15 and 24, Wugofski and Davis disclose that the channel associated with the non-television station signal can be designated as a

"favorite" channel (Wugofski—see figure 3 and page 11, lines 7-15) using an input device (pointing device/remote control 114 in figure 1 and page 7, lines 12-16).

Regarding claims 8 and 16, Wugofski and Davis disclose a remote control user input device (Wugofski—pointing device/remote control 114 in figure 1 and page 7, lines 12-16), the remote control user input device not being a computer keyboard and being the only user input device associated with the TV except for channel, volume, and TV setting controls located on a housing of the TV.

5. Claims 3, 11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wugofski (WO 99/35843) in view of Davis (US 5,576,755), as applied to claims 1, 9 and 19 above, and further in view of Miller (US 5,585,866).

With regards to claims 3, 11 and 21, Wugofski and Davis disclose that the non-television station signal is a service selected from the group including television set up services (designating particular channels as favorite channels—see figure 3 and page 11, lines 7-15) and computer input device simulation services (Wugofski—116 in figure 1 and page 7, lines 16-19).

Wugofski and Davis fail to further disclose that the non-television station signal is a service selected from the group including game services as well as music services.

In analogous art, Miller discloses that the non-television station signal is a service selected from the group including game services (column 28, line 62 – column 29, line 45) as well as music services (column 28, line 62 – column 29, line 10 and column 30, lines 23-52).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Wugofski and Davis to include game and music services in the selection group, as taught by Miller, for the benefit of presenting multiple services to the user along with the television content.

6. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wugofski (WO 99/35843) in view of Davis (US 5,576,755), as applied to claim 1 above, and further in view of Sahota (US 2001/0047518).

Considering claims 17 and 18, Wugofski and Davis disclose a channel metaphor device coupled to the TV (Wugofski—DBS receiver—page 6, lines 13-16).

Wugofski fails to disclose that the channel metaphor device (DBS receiver) is embodied in the TV.

In analogous art, Sahota discloses a channel metaphor device (set-top-box) embodied in a TV (paragraph 0025, lines 1-8).



It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Wugofski and Davis to include televisions with built-in set-top-boxes, as taught by Sahota, for the benefit of reducing the number of physical devices in a home network.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HMY



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